

grossed Bills, have had S. B. No. 252 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 252 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 137 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 273 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 273 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Communication

Seguin, Texas,
February 27, 1939.

The Senate of Texas:

Thank you for the beautiful flowers and your kind sympathy.

THE F. C. WEINERT FAMILY.

THIRTIETH DAY

(Monday, March 6, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Weinert
Martin	Winfield

Absent

Burns	Stone
Shivers	of Washington
	Van Zandt

Absent—Excused

Cotten	Spears
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 1, 1939, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Pace.

Senator Spears was granted leave of absence for today on account of illness, on motion of Senator Nelson.

Reports of Standing Committees

Senator Nelson submitted the following report of the Committee on Labor:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred H. B. No. 194, by Dean and others, A bill to be entitled "An Act defining "Barber Board"; authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; providing for agreements to be submitted by eighty-five (85) per cent of the licensed barbers in any one county of the State; providing the minimum for haircuts shall not exceed forty (40) cents; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; providing for deviation from established minimum by certain barbers; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer and enforce the provisions of this Act; providing nothing in this Act shall affect any regulation of the State Board of Health or authority now vested in State Bureau of Labor Statistics; regulating barber schools or barber colleges; providing a penalty for violating the provisions of this Act; providing for refusal to grant a license or for suspension or revocation of licenses by the Board; providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed as an amendment to, nor in any manner repealing, the Anti-trust Laws of this State or the United States; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments and be printed.

SPEARS, Chairman.

Senator Winfield submitted the following reports of the Committee on Banking:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 112, A bill to be entitled "An Act to amend Article 498, Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, relating to fidelity bonds of certain officers and employees of state banking institutions; providing that fidelity insurance policies carried by any bank may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report it back with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 115, A bill to be entitled "An Act amending Section 22 of Senate Bill No. 111, Chapter 61, passed at the Second Called Session of the Forty-first Legislature, regulating Building & Loan Associations with respect to bonds of officers and employees of Building & Loan Associations; providing that fidelity insurance policies carried by any association may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report it back with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Austin, Texas,
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 13, A bill to be entitled "An Act to amend Sections Nos. 7, 16,

22, 23, 24, 25, 28, 30, 35, 37, and 42 of Senate Bill No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said Chapter to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative; providing that in involuntary liquidation the Banking Commissioner of Texas shall be receiver for associations to be liquidated; providing the procedure to be followed by the Banking Commissioner for such liquidation; authorizing the appointment of agents, attorneys, assistants and help in the liquidation of such associations; authorizing the Banking Commissioner to appoint as his agent the general manager of the Federal Savings and Loan Insurance Corporation in the liquidation of insured associations; providing for the expense of such liquidation; providing for the bonding of officers and employees of building and loan associations by surety companies; providing that married women and minors may subscribe for shares and share accounts in building and loan associations organized in this State, or in Federal savings and loan associations domiciled in this State; providing that shares or share accounts so purchased by a married woman may be held, pledged, hypothecated, controlled, transferred and withdrawn by her, without the joinder of her husband, in all respects as a feme sole; providing that minors may pledge, hypothecate, control, transfer and withdraw such investments as a person who has reached his majority; providing that any payment made by any such association to a married woman or a minor in connection with said shares or share accounts shall be valid and binding on all parties and that a receipt or acquittance signed by a married woman without

the joinder of her husband or by a minor shall be valid and sufficient release and discharge of any such association for any payment on shares or share accounts; providing that shares or share accounts issued by any building and loan association organized under the laws of this State, or by any Federal savings and loan association domiciled in this State, in the name of two or more persons, or to two or more persons, or the survivor of either, may be withdrawn on the signature of either party; that such account shall create one membership, and the payment or delivery to either party of any rights thereunder, whether all parties are living or dead, shall be a valid and sufficient release and discharge of any such association for the payment or delivery so made; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

WINFIELD, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 268, A bill to be entitled "An Act to amend Article 545, Section 2, Chapter 9, Revised Civil Statutes of the State of Texas, 1925, and to add a new article to Article 548 to be hereinafter known as Article 548a; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed by the Committee to report back with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 114, A bill to be entitled "An Act to amend Section 8, of S. B. No. 165, Chapter 165, passed by the Forty-second Legislature, and all

amendments thereof with respect to bonds of officers; providing that such bonds may not be required where the Corporation carries fidelity insurance as to such officer or employee; repealing laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report back with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Sulak:

S. B. No. 280, A bill to be entitled "An Act validating certain outstanding road and bridge time warrants of Fayette County, Texas, heretofore issued to provide funds to aid in the construction of Highway No. 20 in Road District No. 3 of said County, and Fayette County Bridge Warrants heretofore issued for the purpose of aiding in constructing a bridge across the Colorado River on Highway No. 72, and authorizing the Commissioners Court of Fayette County to fund or refund into coupon road and bridge funding or refunding bonds of said County, said time warrants to the amount of \$31,200.00; providing for the approval of said bonds by the Attorney General, and their registration by the State Comptroller; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Roberts and others:

S. B. No. 281, A bill to be entitled "An Act abolishing the office of State Reclamation Engineer; transferring to and vesting the functions in the Commissioner of the General Land Office; providing for the transfer of all officers and employees, the balances of appropriations, and all books, papers, records, property and pending business of the State Reclamation Department to the General Land Office; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Head (by request):

S. B. No. 282, A bill to be entitled

"An Act amending Title 71 of the Revised Civil Statutes of 1925, by the addition thereto of an additional chapter, to be designated Chapter 14, "State Plumbing Law"; providing the intent and purpose of law to safeguard public health and safety through the regulation of the construction, erection, installation, alteration, removal, repair, and maintenance of all piping, fitting, and fixtures for conducting, distribution, and/or use or disposal of any water sewage or gas in certain locations; defining plumbing; defining gas fittings; exceptions; defining master plumber, journeyman plumber, plumbers' apprentice; defining fundamental requirements for plumbing; defining fundamental requirements for house piping; providing for special precautions to protect public safety; defining powers of State Board of Health, to promulgate detailed requirements to enforce fundamental requirements of this Act; providing for employment of supervisors for purpose of enforcing law, providing Board shall prescribe rules as to qualifications of plumbers; providing gas fitter shall not work as plumber; providing for Committee of Examiners, qualifications, duties, secretary; providing Committee may name chairman; providing for compensation of members of committee of examiners; providing secretary to receive and pay out money; providing for "State Plumbing Fund" and appropriating fees thereto; providing all expenses be verified; provided that all expenses, salaries and per diem shall be from fees received from this Act, and no money shall ever be paid from any fund in the State Treasury; providing that the secretary shall give bond; providing for annual report to the Governor; providing for water works and sewerage ordinances and rules by cities, towns, and villages not in conflict with minimum standards prescribed by the Board; providing for reports to Board where plumbers fail to qualify or wilful violation of regulations; providing for appointment of plumbing supervisors by a city, town, or village, their qualifications, their duties and how compensated; providing for appointment by Board through failure of local authorities to act; providing Committee of Examiners shall appoint supervisors necessary, their qualifications, compensation; pro-

viding license required to engage in plumbing work under certain conditions; providing license shall not be transferred; defining who shall obtain master plumbers license; providing property owner may do work under certain conditions; excepting farm residences and farm building; providing for a Plumbing Code of state-wide application, the Code to define plumbing and gas fitting work, prescribed minimum requirements for design, material, appliances, workmanship, and installation; Code shall apply to all types of building, private and public; shall prohibit any system of piping, cross-connections or inter-connections which permits sewage, waste water, or non-potable water to enter into the domestic water supply; regulating methods for the manufacture, transportation, handling, or use of combustible gas, whether manufactured, natural or mixed, for domestic or commercial use, or storage, including acetylene, butane, or any other whole or incomplete combustible gas; providing cities, towns, and villages may make additional regulations not in conflict with such Code; providing Board shall hold regular examinations; providing application for examination shall be made, accompanied by fees; providing a minimum average of 70 per cent; providing Board may grant license without examination under certain conditions; etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Head:

S. B. No. 283, A bill to be entitled "An Act to amend Chapter 196, Revised Civil Statutes of 1925, Acts of the Forty-third Legislature, 1933, by adding a new section thereto to be designated as Section 4a and providing that the governing board of several institutions, supported in whole or in part by the State Treasury, shall cause to be collected from students registering in said schools, additional tuition for instruction in the Fine Arts Departments, Schools, or Colleges with certain exceptions, and declaring an emergency."

Referred to Committee on Education.

By Senator Spears:

S. B. No. 284, A bill to be entitled "An Act amending Article 5139, of

the Revised Civil Statutes of Texas, 1925, as amended, providing for the creation of a County Juvenile Board in any county having a population of not less than 290,000 nor more than 320,000 according to the last preceding Federal Census and all future Federal Census, providing for the compensation of members of such Juvenile Board, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Pace:

S. B. No. 285, A bill to be entitled "An Act to amend Section 1 of Chapter 210, H. B. No. 253, Acts of the Regular Session of the Forty-first Legislature, 1929; as amended by Section 1, Chapter 142, H. B. No. 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935; as amended by Section 1, Chapter 167, H. B. No. 87, Acts of the Regular Session of the Forty-fifth Legislature, 1937; empowering the State Board of Education to adopt by a vote of six of its members a multiple list of textbooks in German, Czech, and French languages, for use in public high schools; and by a vote of six of its members to adopt, for use in the public high schools, a multiple list of textbooks in the English language in each of the subjects of commercial arithmetic, bookkeeping, and typewriting; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Brownlee:

S. B. No. 286, A bill to be entitled "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employees; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to appropriate from public revenues each year to augment the retirement fund; describing this Act as the "Municipal Retirement Law"; defining words and phrases as used in this Act; prescribing who shall be members of any such retirement system, and pro-

viding for a refund of contributions to any employe leaving the service of such city; providing a method for contributions to the retirement fund by city employes and requiring the keeping of individual accounts with each member, and providing for an annual statement of the total accumulations to each contributor's credit, and providing that expenses of administration and operation of the retirement system shall be paid by appropriation from the general fund of any such city; prescribing the membership of the Municipal Retirement Board and fixing the terms of such members and the methods by which members shall be named to such Board, empowering the Board to administer the retirement fund and fixing the powers and duties of the Board; providing that the city treasurer shall be custodian of the funds of the retirement system and requiring the giving of bond for proper performance of his duties, and fixing the powers and duties of the treasurer; providing that none of the funds of the retirement system shall be assignable or subject to issue, levy, attachment, garnishment or other legal process; prescribing the benefits to be derived by city employes under the retirement system and fixing the methods of retirement under said system, and prescribing what shall be a service retirement allowance; providing a method of financing the retirement system; providing for the liquidation of said retirement system in the event of failure of financial success of said system; providing a savings clause for this Act, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Metcalfe:

S. B. No. 287, A bill to be entitled "An Act amending Chapter 30 of the Local and Special Laws of the Thirty-fifth Legislature of Texas, Regular Session, as amended by Chapter 471 of the Local and Special Laws of the First Called Session of the Thirty-ninth Legislature of Texas, by adding thereto Sections 13b and 13c so as to provide for the funding of certain outstanding road and bridge obligations of McCulloch County, Texas, not to exceed a total principal amount of Sixty-nine Thousand (\$69,000.00) Dollars; validating, ratifying and confirming such outstanding obliga-

tions and said refunding bonds; and declaring an emergency."

By Senator Kelley:

S. B. No. 288, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to expend State Highway funds in the acquisition of existing toll bridges and the construction and maintenance of free bridges across the Rio Grande River between the State of Texas and the Republic of Mexico; to authorize and empower the State Highway Commission, with the authority of the Governor to negotiate with and enter into such contracts and agreements with owners of existing toll bridges and the Federal Government and the Republic of Mexico, as may be deemed necessary to accomplish the purposes of this Act; declaring the purpose of the Act; authorizing the acquisition of necessary right-of-way by purchase or condemnation; providing a savings clause; and declaring an emergency.

Referred to Committee on State Highways and Motor Traffic.

By Senator Graves:

S. B. No. 289, A bill to be entitled "An Act amending Article 4591 of the 1925 Revised Civil Statutes of the State of Texas, as amended by H. B. No. 126, Chapter 8, Acts of 1931, Regular Session, Forty-second Legislature, so as to make May 30th, as Memorial Day, a legal holiday, and declaring an emergency, and providing the Act shall take effect from and after its passage.

Referred to Committee on Military Affairs.

By Senator Small:

S. B. No. 290, A bill to be entitled "An Act to amend Article 1111 of the Revised Civil Statutes of Texas for 1925, as amended by Acts of the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts Regular Session, Forty-third Legislature, so that same will hereafter read as follows:"

Referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 291, A bill to be entitled "An Act amending Articles 7454, 7455, 7456, 7460 and 7461, Revised

Civil Statutes of the State of Texas to further define and regulate the practice of veterinary medicine, surgery and dentistry within this State and defining the practice of veterinary medicine, surgery and dentistry; creating a Board of Veterinary Examiners for examining, licensing and registering of veterinary physicians, surgeons and dentists and prescribing their powers, duties and qualifications; requiring the payment of an application fee by persons desiring to practice Veterinary Medicine, (including dentistry and surgery) in this State; and requiring the payment of a reciprocity fee for out of state veterinarians desiring to practice Veterinary Medicine in the State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of veterinary medicine, surgery and dentistry in Texas; and conferring certain powers on the Board of Medical Examiners with reference to the collection, and expenditure from the collection, of all fees; and providing for revocation of licenses and fixing suitable penalty for the violation of this Act; and further providing that the fund realized from the collection of all reciprocity and annual registration fees and application fees shall constitute a special fund and providing and defining the purposes for which the current revenues to be derived and placed to the credit of said fund may be expended and how same may be expended; and conferring certain powers and duties upon the Board of Veterinary Medical Examiners, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Senator Nelson:

S. B. No. 292, A bill to be entitled "An Act authorizing the county board of trustees in counties having a population of not less than five thousand one hundred (5,100) nor more than five thousand two hundred (5,200) as shown by the Federal Census of 1930, to set aside a certain amount of the Available School Fund apportioned to such counties to defray certain expenses in the administration of the scholastic affairs of such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

Senate Bill 42 with House Amendments

Senator Winfield called Senate Bill No. 42 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were explained by Senator Winfield.

The Senate concurred in the House amendments by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Weinert
Martin	Winfield

Absent

Burns	Stone
Shivers	of Washington
	Van Zandt

Absent—Excused

Cotten	Spears
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Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. 631, and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Skiles, London, Kersey, King, Newell.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Conference Committee on House Bill 631

Senator Lanning moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 631 be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Lanning, Moffett, Metcalfe, Isbell and Van Zandt.

Report of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 624, A bill to be entitled "An Act making it unlawful to hunt, take, or pursue any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act; providing a suitable penalty; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Respectfully,
MOORE, Chairman.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 161, A bill to be entitled "An Act exempting certain independent school districts created under

Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

Report of Conference Committee on House Bill 631

Senator Lanning submitted at this time the following report of the conference committee on H. B. No. 631:

Austin, Texas,
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate,
and

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 631 have met and beg leave to recommend that said House Bill No. 631 be passed in the form hereto attached.

Respectfully submitted,
LANNING,
MOFFETT,
ISELL,
METCALFE,
On the part of the Senate.
SKILES,
KERSEY,
LONDON,
KING,
NEWELL,

On the part of the House.

H. B. No. 631, A bill to be entitled "An Act regulating the taking, catching and possessing of sand bass fish in the fresh waters of Denton County, Texas; providing that there shall be no closed season for the taking and catching of such fish; prescribing the bag limit and length limit thereof; regulating the kind of bait which may be used for the catching of such fish during certain months; prescribing penalties for any violation hereof; and defining the intent of this law; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. From and hereafter it shall not be unlawful to take or catch sand bass fish from the fresh waters of Denton County, Texas, at

any time during the year.

Sec. 2. During the months of March and April of each year it shall be unlawful for any person to take or catch more than ten (10) sand bass fish from the above-mentioned waters in any one day. During the months of May, June, July, August, September, October, November, December, January and February, it shall be unlawful for any person to take or catch from said waters more than fifteen (15) such fish in any one day.

Sec. 3. It shall be unlawful for any person to take or catch, or have in his possession at any time from the above described waters, any sand bass fish of less length than nine (9) inches. Any person catching any such fish of less length than nine (9) inches from such waters shall immediately return the same to the waters from which they came.

Sec. 4. It shall be unlawful for any person to possess at any one time, more than the daily bag limit of said bass fish taken from the above described waters.

Sec. 5. It shall not be unlawful for any person in fishing for sand bass fish in the above described waters, to use a rod and reel and any character of natural bait or pork strips which are not manufactured or prepared for sale as bait.

Sec. 6. Any person violating any provision of this Act shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

Sec. 7. The provisions hereof shall apply only to the catching and possessing of fish commonly known as sand bass from the herein described waters and this Act shall not be taken to affect or repeal any law now in effect or hereafter passed regulating the taking of any other kind of fish.

Sec. 8. The fact that sand bass fish have been considered to be regulated by the general laws relating to the taking and catching of black bass fish, and the fact that sand bass fish are exceedingly prolific and there is no necessity of a closed season for said fish create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—26

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Weinert
Lemens	Winfield
Martin	

Absent

Shivers	Van Zandt
Stone	
of Washington	

Absent—Excused

Cotten	Spears
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Senate Bill 150 on Passage to Engrossment

(Unfinished Business)

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on Wednesday, March 1, 1939):

S. B. No. 150, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being H. B. No. 768; creating and providing a uniform budget system for the State, etc., and declaring an emergency."

Question—Shall the bill be passed to engrossment?

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 150 by striking out all below the enacting clause, and substituting in lieu thereof the following:

Section 1. That Chapter 206, same being H. B. No. 768, Acts of the Regular Session, Forty-second Legislature, is hereby amended so that hereafter said Chapter shall read as follows:

"Section 1. The Governor shall be the chief budget officer of the State. He shall appoint a "Director of the Budget." The Director of the Budget shall have had at least five (5) years substantial experience in the field of business of a nature to qualify him to perform the duties of the office. The term of office of the Director of the Budget shall be for a period of two years, such term to begin the first day of February of the year when the biennial session of the Legislature convenes. However, the term of office of the first Director of the Budget appointed hereunder shall be for a period ending February 1, 1941. Such Director of the Budget shall hold office until his successor is duly appointed and qualified. He shall be the agent of the Governor in carrying out the Governor's responsibility as the chief budget officer of the State, and shall perform his duties under the immediate direction of the Governor. He may be removed by the Governor at any time, and his successor appointed by the Governor. The Director of the Budget shall receive a salary of not more than Seven Thousand Five Hundred (\$7,500.00) Dollars per annum.

Sec. 2. The Director of the Budget, with the approval of the Governor shall (1) select and appoint such assistants and clerical help as may be necessary to carry out the provisions of this Act, (2) fix the duties of such assistants and clerical help, and direct the performance thereof, and (3) fix the compensation of such assistants and clerical help in conformity with legislature appropriations therefor, all however within the limits of the appropriation made therefor by the Legislature.

Sec. 3. In addition to all other duties assigned to the Director of the Budget, it shall be his duty to establish and maintain an expenditure control over all public funds of this State, designed to accomplish the following purposes: (1) to prevent departments, boards, bureaus and agencies of the State Government from making any expenditure not authorized by legislative appropriation and thereby creating a deficit in the Appropriation Account; (2) to require quarterly estimates of public expenditure needs, the purpose of such estimates being to prevent expenditures in excess of legislative appropriations and to effect economies

in expenditures where possible; (3) to set up a system which will require that employees in the various departments, boards, bureaus and agencies of the State Government engaged in current auditing of bills and accounts, perform such services in such manner that no public funds will be expended without proper authorization in law; the heads of all boards, bureaus, departments and agencies of the State Government are directed to cooperate with the Director of the Budget in establishing such system of audit control.

It is not the intention of this section to give to the Director of the Budget the power to appoint or have administrative control over the auditors in the various departments, boards, bureaus and agencies of the State Government, but to direct and require the various heads of all such departments, boards, bureaus and agencies to extend to and give the Director of the Budget full and complete cooperation, to the end that he may fully and adequately perform the duties and responsibilities of his office.

Sec. 4. The head of each department, school, board, bureau, agency, institution, and of the prison system, and the head of any of the divisions or departments of Government for which appropriations are made by the Legislature, shall submit to the Director of the Budget, not later than June 1 of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expense for the preceding two (2) fiscal years, and an estimate of the appropriations required by such department, school, board, bureau, agency, institution or by the Prison System for the succeeding biennium. This estimate shall be itemized in such manner as the Governor may require.

Sec. 5. The Director of the Budget shall not have any power over the work of the State Auditor.

Sec. 6. The Director of the Budget shall inspect the properties, equipment, and facilities of the various agencies of the Government for which appropriations are to be made, either before or after such estimates are submitted. He shall consider the same and give hearings on such estimates to those who have submitted the same, and shall obtain information from every available source in-

cluding the reports from his auditors and examiners. After such hearings, the Director of the Budget shall make up an appropriation budget. He shall so prepare the budget as to show the expenditures on the same lines with the appropriated amounts for the respective items, and in such form and with such other itemization as the Governor may prescribe. The list of appropriations shall be shown for the three (3) years preceding the years for which appropriations are sought and recommended for the ensuing biennium, and the expenditures shall be shown for the first two (2) of the last above mentioned years. The budget shall also show the amounts requested by the various agencies of the Government and the amounts recommended by the Director of the Budget for each of the years of the ensuing biennium. When a newly elected governor, other than the then Governor, is to be inaugurated, the Governor-elect shall have the right on and after November 10 to sit with the Director of the Budget on any and all budget hearings. In such cases the Director of the Budget shall prepare the budget and the five (5) budget bills in such manner as the Governor-elect shall direct, and shall complete such before the regular biennial session of the Legislature convenes. All hearings held by the Director of the Budget while considering the budget for the various departments, institutions and agencies of the State Government shall be open to the public.

Sec. 7. The Director of the Budget is hereby authorized and directed to prepare all forms and blanks upon which requests for appropriations from the Legislature shall be prepared. The Director of the Budget shall furnish the proper forms to all those divisions, departments, officers, boards, commissions and agencies of every character of the State Government which are seeking appropriations from the Legislature. The Director of the Budget shall require that all requests for appropriations be submitted on such approved forms.

Sec. 8. On or before the first day of September of the year immediately preceding the regular biennial session of the Legislature, the State Auditor shall secure, compile and submit to the Governor a report containing the following information:

(1) An itemized, complete finan-

cial balance sheet for the State at the close of the preceding fiscal year.

(2) An estimate of the maximum amount of revenue which may become available for appropriation by the Legislature during the ensuing biennium for which appropriations are to be made.

(3) The State Auditor and the heads of any other agencies of Government, also shall furnish to the Governor such other information of like nature as the Governor may request.

(4) All agencies of the Government for which appropriations are made, shall keep their records in such manner that immediately upon the close of the fiscal year they can list the amounts of all the contracts for purchases which they have made, but which remain unpaid at the close of the fiscal year. Such agencies shall accurately list in the expenditure columns of the budget sheets supplied them, the combined total of their expenditures and the amounts of these unpaid purchase contracts of each of the items for which appropriations were made.

Sec. 9. Within five (5) days after the beginning of each regular session of the Texas Legislature, the Governor shall transmit to all members of the Legislature printed copies of the budget; but when a newly elected Governor, other than the then Governor, is to be inaugurated, he shall transmit such budget within five (5) days from the date he is inaugurated.

Sec. 10. Within thirty (30) days after the beginning of each Regular Session of the Texas Legislature, the Governor shall prepare and submit copies of budget bills of appropriation to the Legislature; but when a newly elected Governor, other than the then Governor, is to be inaugurated, the budget bill of appropriations shall be prepared by the incoming Governor and shall be transmitted to the Legislature within twenty (20) days from the date he takes the oath of office. In carrying out the provisions of this section the Governor shall submit to the Legislature five (5) separate budget bills as follows:

(a) Eleemosynary appropriation bill which shall include all appropriations which the Governor desires to recommend for the eleemosynary institutions of the State for the ensuing biennium.

(b) Departmental appropriation bill, which shall include all appropriations which the Governor desires to recommend for all departments of the State Government for the ensuing biennium.

(c) Educational appropriation bill which shall include all appropriations for all educational institutions of the State which the Governor desires to recommend for the ensuing biennium.

(d) Judiciary appropriation bill which shall include all appropriations which the Governor desires to recommend for the judiciary for the ensuing biennium.

(e) Deficiency and emergency appropriation bill which bill shall include all appropriations which the Governor desires to recommend that the Legislature make as emergency and deficiency appropriations.

In preparing the above referred appropriation bills the Governor shall itemize all appropriations included in said bills in the same manner as provided for in the budget.

All of said budget bills referred to above shall be transmitted to the Legislature as nearly at the same time as practicable, and when so transmitted the Governor shall accompany these bills with a special budget message. The message shall show the current assets, liabilities surplus or deficit of the State at the close of the last preceding fiscal year, as well as the total amount of money which may reasonably be expected to be available from all sources under existing tax laws to meet legislative appropriations during the current year and the ensuing biennium. The above referred to message from the Governor and the budget bills shall be printed in full in the Journal of the House and the Senate.

Sec. 11. The budget and budget bills so to be prepared and submitted by the Governor shall not have included therein any appropriations for the per diem and mileage of the members of the Legislature, nor the necessary expenses of the Legislature, and nothing herein contained shall affect any such appropriations.

Sec. 12. Wherever in this Act duties are assigned to the Director of the Budget, it is the intention of the Legislature that in the performance of such duties the Director of the Budget shall act under the immediate direction of the Governor as the chief budget officer of this State.

Sec. 13. The County Judge shall serve as budget officer for the Commissioners' Court in each county, and during the month of July of each year he, assisted by the County Auditor or by the County Clerk, shall prepare a budget to cover all proposed expenditures of the County Government for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall also contain a complete financial statement of the county, showing all outstanding obligations of the county, the cash on hand to the credit of each and every fund of the County Government, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenues available to cover the proposed budget and the estimated rate of tax which will be required.

Sec. 14. When the County Judge has completed the budget for the county, a copy of it shall be filed with the clerk of the County Court, and it shall be available for the inspection of any taxpayer.

Sec. 15. The Commissioners' Court in each county shall each year provide for a public hearing on the county budget—which hearing shall take place on some date to be named by the Commissioners' Court subsequent to August 15th and prior to the levy of taxes by said Commissioners' Court. Public notice shall be given that on said date of hearing the budget as prepared by the County Judge will be considered by the Commissioners' Court. Said notice shall name the hour, the date and the place where the hearing shall be conducted. Any taxpayer of such county shall have the right to be present and participate in said hearing. At the conclusion of the hearing, the budget as prepared by the County Judge shall be acted upon by the Commissioners' Court. The Court shall have authority to make such changes in the budget as in their judgment the law warrants and the interests of the

taxpayers demand. When the budget has been finally approved by the Commissioners' Court, the budget, as approved by the Court, shall be filed with the Clerk of the County Court and taxes levied only in accordance therewith, and no expenditure of the funds of the county shall thereafter be made except in strict compliance with the budget as adopted by the Court.

The County Judge shall, after the adoption of the county budget and prior to October 15th of each year, file with the State Auditor at Austin, Texas, a true and correct copy of the adopted budget.

Sec. 16. In the preparation of the Budget, the County Judge shall have authority to require any officer of the county to furnish such information as may be necessary for the County Judge to have in order that the budget covering the expenditures of the County may be properly prepared.

Sec. 16a. The County Auditor in all counties having a population in excess of 350,000 as shown by the last preceding or any succeeding United States Census shall serve as the budget officer for the Commissioners' Court in each county, and on or immediately after January first of each year he shall prepare a budget to cover all proposed expenditures of the county government for the current fiscal and calendar year. Such budget shall be carefully itemized so as to make possible as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget shall be so prepared as to show with reasonable accuracy each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall contain a complete financial statement of the county, showing all outstanding obligations of the county, the cash on hand to the credit of every and each fund of the county government, the funds received from all sources during the previous year, the funds and revenue estimated by the Auditor to be received from all sources during the previous year, the funds and revenue estimated by the Auditor to be received from all sources during the ensuing year, together with a state-

ment of all accounts and contracts on which sums are due to or by the County as of December 31 of the year preceding except taxes and court costs. Until a budget has been adopted by the Commissioners' Court no payments shall be made during the current year except for emergencies and for obligations legally incurred prior to January 1 of such year for salaries, utilities, materials, and supplies. A copy of the budget shall be filed with the Clerk of the County Court, and it shall be available for inspection by the taxpayer.

The Commissioners' Court in each county shall provide for a public hearing on the county budget, which hearing shall take place on some date to be named by the Commissioners' Court within seven calendar days after the filing of the budget and prior to January 31 of the current year. Public notice shall be given that on the date of said hearing the budget as prepared by the County Auditor will be considered by the Commissioners' Court. Said notice shall name the hour, the date, and the place the hearing shall be conducted, and shall be published once in a newspaper of general circulation in said county. Any taxpayer of such county shall have the right to be present and participate in said hearing. At the conclusion of the hearing, the budget as prepared by the County Auditor shall be acted upon by the Commissioners' Court. The Court shall have authority to make such changes in the budget as in its judgment the facts and the law warrant and the interest of the taxpayers demand, provided the amounts budgeted for current expenditures from the various funds of the county shall not exceed the balances in said funds as of January 1 plus the anticipated revenue for the current year for which the budget is made, as estimated by the County Auditor. Upon final approval of the budget by the Commissioners' Court, a copy of such budget as approved shall be filed with the County Auditor, the Clerk of the Court, and the State Auditor, and no expenditure of the funds of the county shall thereafter be made except in strict compliance with said budget. Said Court may upon proper application transfer an existing budget surplus during the year to a budget of like kind and fund, but no such transfer shall increase the total of the budget.

In like manner when any bond issue of the county is submitted at an election or anticipation warrants are to be issued against future revenues and a tax levied for said warrants a budget of proposed expenditures shall be adopted and upon the receipt of the proceeds of the sale of any bonds or warrants expenditures shall be made therefrom in the manner hereinafter provided for expenditures for general purposes.

Upon the adoption of any general or special budget as hereinbefore provided and its certification, the County auditor of each county thereupon shall open an appropriation account for each main budgeted or special item therein and it shall be his duty to charge all purchase orders or requisitions, contracts, and salary and labor allowances to said appropriations. Requisitions issued or contracts entered into conformably to the laws of the State of Texas by proper authority for work, labor, services, or materials and supplies shall nevertheless not become effective and binding unless and until there has been issued in connection with such item the certificate of said County Auditor that ample budget provision has been made in the budget therefor and funds are, or will be, on hand to pay the obligation of the county or officer when due. The amount set aside in any budget for any purchase order or requisition, contract, special purpose, or salary and labor account shall not be available for allocation for any other purpose unless an unexpended balance remains in the account after full discharge of the obligation or unless the requisition, contract, or allocation has been cancelled in writing by the Commissioners' Court or county officer for a valid reason.

The County Auditor shall make to the Commissioners' Court not less than monthly a complete report showing the financial condition of the county. Said report shall be in such form as may be prescribed by said County Auditor and shall set forth all facts of interest concerning the financial condition of the county and shall contain a consolidated balance sheet. The report shall contain a complete statement of the balances on hand at the beginning and close of the month and the aggregate receipts to and aggregate disbursements from each fund, the transfers to and from each fund, the bonded

and warrant indebtedness with the rates of interest due thereon, a summarized budget statement showing for each officer, department, or institution budgeted the expenses paid from the budget during the month and for the period of the fiscal year inclusive of the month for which said report is made, also the encumbrances against said budgets, and the amounts available for further expenditures, together with such other information as such officer may deem necessary to reflect the true condition of the finances of such county or the Commissioners' Court thereof may require. The County Auditor shall publish once in a daily newspaper published in said county a condensed copy of said report showing the condition of funds and budgets together with such recommendations as he may deem desirable.

In the preparation of the budget, the County Auditor shall have authority to require of any district, county, or precinct officer of the county such information as may be necessary to properly prepare the budget. The provisions of Sections 13, 14, 15 and 16 shall not apply to counties with a population in excess of 350,000 according to the last preceding or any future Federal Census. Nor shall the provisions of Section 16a apply to counties of less than 350,000 population according to the last preceding or any future Federal Census.

Sec. 17. The Mayor of every incorporated city, town or village shall serve as the budget officer for the Board of Commissioners or Council of such city, town or village, except that any such city or town as shall have a City Manager form of government, the City Manager shall serve as the budget officer. Such Mayor or City Manager shall prepare each year a budget to cover all proposed expenditures of the government of said city or town for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of

money carried in the budget for each of such projects. The budget shall also contain a complete financial statement of the city, town, or village, showing all outstanding obligations of such city, town or village, the cash on hand to the credit of each and every fund, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.

If a city or town in this State has already set up in its charter definite requirements which provide for the preparation each year of a budget of all expenditures of said city and a public hearing on said budget, then the charter provisions of said city as to the time of public hearings and the method of preparation and changing or amending of the budget shall govern, provided that when said budget has been finally prepared and approved that a copy of said budget, together with all amendments thereto, shall be filed with the County Clerk and with the State Auditor at Austin, Texas, the same as this Act requires other budgets to be filed.

Sec. 18. Said budget so to be prepared by such Mayor or City Manager shall be filed with the Clerk of such city, town or village not less than thirty (30) days prior to the time the Board of Commissioners or Council of such city, town or village makes its tax levy for the current fiscal year, and such budget shall be available for the inspection of any taxpayer.

Sec. 19. The Board of Commissioners or Council of every such city, town or village, shall each year provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by such Board of Commissioners or Council, not less than (15) days subsequent to the time such budget is filed as provided in Section 18 hereof, and prior to the time said Board of Commissioners or Council of such city, town or village makes its tax levy. Public notice of the hour, date and place of such hearing shall be given, or caused to be given by such Board of Commissioners or Council, and any taxpayer of such city, town or village shall have the right to be present and participate in such hearing. At the conclusion of such hear-

ing, the budget as prepared by the Mayor or City Manager shall be acted upon by the said Board of Commissioners or Council. The Board of Commissioners or Council shall have the authority to make such changes in the budget as in their judgment the law warrants and the best interests of the taxpayers of such city, town or village demands. When the budget has been finally approved by such Board of Commissioners or Council, the budget as so approved shall be filed with the Clerk of such city, town or village and taxes levied only in accordance therewith, and no expenditure of the funds of such city, town or village shall thereafter be made except in strict compliance with such adopted budget. Immediately after the adoption of said budget or any amendment thereto, the Mayor or City Manager, as the case may be, shall file or cause to be filed, a true copy of said approved budget, and all amendments thereto, in the office of the County Clerk of the county in which said municipality is situated and with the State Auditor at Austin.

Sec. 20. In the preparation of the budget the Mayor or City Manager shall have authority to require any officer or board of such city, town or village to furnish such information as may be necessary for the Mayor or City Manager to have in order that the budget covering the expenditures of such city, town or village may be properly prepared.

Sec. 21. The President of the Board of School Trustees in each independent school district, is hereby expressly designated as the budget officer of such district. As soon as the Treasurer or other officer of such school district receives notice of the State apportionment of public school funds to said district, and not later than August 20th, the President of such School Board of Trustees shall prepare a budget covering all proposed expenditures for the current fiscal year, itemized in detail according to purpose of expenditure. When such budget is prepared, a meeting of such Board of Trustees shall be called for the purpose of adopting a budget, and five days public notice of said meeting shall be given. Any taxpayer of the district may be present and participate in the hearing. It shall be the duty of said Board of Trustees at said meeting to adopt a budget to cover all expenditures for

said independent school district for the current fiscal year. When so adopted it shall be the duty of the President of the Board of Trustees to file a copy of said budget in the office of the County Clerk of the county or counties in which said district is situated and with the State Auditor in Austin. No public funds of said independent school district shall be expended in any manner other than as provided for in the budget adopted by the said Board, except that the said Board of Trustees of such independent school district shall have authority to adopt a supplementary emergency budget to cover necessary unforeseen expenses of the district; and when so adopted, copies of any and all supplemental budgets shall be filed with the County Clerk of the county, or counties in which said district is situated, and with the State Auditor at Austin. In the preparation of the budget, the President of such Board of Trustees shall be authorized to designate, if he so desires, the superintendent of schools of the district, or any other member of the Board as a deputy budget officer of the district to assist him in the preparation of said budget.

Sec. 22. The County Superintendent of Schools is hereby designated as the budget officer for each common school district of such county. Immediately after the County Superintendent receives notice of the apportionment made by the State Board of Education to the common school districts of the county, he shall prepare a budget for each common school district in the county, which budget must be itemized in detail according to the purpose of expenditure, and must cover insofar as possible all expenditures proposed for the current year. When so prepared, the budget for each common school district shall be submitted to the Board of Trustees in each district for approval, and when so approved by such Board of Trustees, and by the County Superintendent it shall be filed in the office of the County Superintendent; and no expenditure shall be made in the district except as provided for in the budget, except it be in the case of unforeseen emergency; and in each such instance, a supplemental budget may be approved in the same manner as the original budget and a copy of the supplemental budget filed with the original budget. Copies of all

budgets, when finally approved by the County Superintendent and the trustees of the various common school districts in the county shall be filed with the County Clerk. At any time during the process of the preparation of the budget any taxpayer shall have the right to file with the County Superintendent or with the Board of Trustees of any district, any statement or protest which he may desire to file, concerning any item of expenditure proposed for the current year; and such statement or protest shall be given due consideration by the County Superintendent, or by the Board of Trustees in their final action upon the adoption of the budget.

Sec. 23. Nothing in this Act shall be construed as precluding the Legislature from making changes in the State budget if the Legislature desires to eliminate, increase or decrease appropriations.

Sec. 24. The Comptroller of Public Accounts shall prescribe and furnish all counties of this State forms upon which county budgets shall be prepared. In carrying out this provision of law, the State Comptroller may, if he deems it advisable, prescribe different forms for counties of different size; provided that in the preparation of such forms they shall be uniform as to counties within a given population bracket, the purpose being to make it possible to compare operating costs for the same service in counties of similar population. This section of the law shall be effective as covering all county budgets beginning in the year 1940.

Sec. 25. Supplemental budgets may be adopted by Commissioners' Courts and by the governing boards of cities and villages under the following limitations:

(1) In case of grave emergency which threatens immediate and substantial loss of property or which imperils life or health, the Commissioners' Court of the county or the governing board of a city or village may by an order entered on the record books of such Commissioners' Court or on the record books of such city or village adopt a supplemental budget provided this order shall specify definitely the particular emergency the supplemental budget is designed to meet, and the supplemental budget together with a copy of the order of the Commissioners' Court or the order of the governing

board of the city or village, shall be signed by the County Judge and by a majority of the members of the Commissioners' Court, or if it be a city or village, by the City Manager or Mayor and by a majority of the members of the governing board of such city or village, and copy of said order shall be immediately filed with the county clerk and a copy shall be mailed to the State Auditor at Austin, in each case to be attached to the original budget. When this has been done and not before, the Commissioners' Court or the governing board of such city or village shall be authorized to proceed to make expenditures in accordance with the supplemental adopted budget.

(2) In case of emergencies not within the classification above referred to, brought about by unforeseen conditions which could not by reasonable diligence have had attention at the time the original budget was adopted, the Commissioners' Court or the governing board of such city or village shall be authorized to prepare a supplemental budget to cover such emergency and in such cases when the supplemental budget has been prepared, a statement explaining in detail the necessity for the adoption of such supplemental budget shall be prepared by the Commissioners' Court or the governing board of the city or village, signed by the Judge and by a majority of the members of the Court, or in case of a city or village, signed by the City Manager or Mayor and a majority of the members of the governing board of such city or village, and such statement shall be published once each week for two successive weeks in a newspaper of general circulation in the county or city, and such notice shall specify a date when a public hearing will be held by the Commissioners' Court or by the governing board of the city or village, on the proposal to so amend the budget. After the public hearing and after considering the statement of taxpayers concerning the proposed change, the Commissioners' Court or the governing board of the city or village may adopt such amendment to the original budget, and when so adopted a copy shall be attached to the original budget, a copy filed with the County Clerk, and a copy filed with the State Auditor at Austin. The failure of the governing board of

any county, city or school district to abide by all of the provisions of the budget law shall invalidate the tax levy for the year when such governing board of said county, city or school district fails to observe in good faith the provisions of this Act.

Sec. 26. Any officer, employee or official of the State Government, or of the County Government, or of the City Government, or of any school district who shall refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail for not less than one month, nor more than 12 months, or shall be punished by both such fine and imprisonment.

Sec. 27. All laws and parts of laws in conflict herewith are hereby expressly repealed; and if any section of this Act shall be declared invalid the remaining parts of the law shall not be affected thereby.

Sec. 28. The fact that the State does not now have an effective budget law and the further fact that such law is urgently needed to conserve the tax funds of the State, the County and various cities, towns and school districts, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House, and the further constitutional rule as to the time when laws take effect, be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted."

On motion of Senator Moffett, a full reading of the amendment was omitted.

Pending consideration of the amendment, President Pro Tempore Moore occupied the Chair temporarily.

(President in the Chair.)

Senator Aikin offered the following amendment to the amendment:

Amend Substitute for S. B. 150 by adding the following after the word "auditor" in line 19, Section 21; page 13:

"a copy of said budget shall also be filed with the Department of Education within 10 days after its adoption."

The amendment to the amendment was adopted.

Senator Moffett moved that further consideration of the bill be set as a special order for tomorrow immediately after conclusion of the morning call on that day.

The motion prevailed unanimously.

Senate Resolution 30

Senator Hill, by unanimous consent, offered at this time the following resolution:

Whereas, The blessings of the Almighty have been bestowed upon our fellow member, Senator Vernon Lemens and his charming wife, by the arrival on Sunday night, March 5th, of a fine baby boy; and

Whereas, We desire to felicitate our colleague and his wife upon this blessed event which will bring them much joy and happiness throughout the years to come, now, therefore, be it

Resolved by the Senate of Texas of the Forty-sixth Legislature, That Senator and Mrs. Lemens be extended the heartiest congratulations of this body and that a copy of this resolution, together with a bouquet of flowers, be sent to Mrs. Lemens as a token of our gladness and joy at the happiness which has come to them, and with our very best wishes.

HILL,
COLLIE,
ROBERTS.

(Signed) Aikin, Beck, Brownlee, Burns, Cotten, Graves, Hardin, Head, Isbell, Kelley, Lanning, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Shivers, Small, Spears, Stone of Washington, Stone of Galveston, Sulak, Van Zandt, Weinert, Winfield.

The resolution was read.

On motion of Senator Hill and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted.

Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor, which was referred to the Committee on nominations of the Governor:

Austin, Texas,
March 6, 1939.

To the Senate of the Forty-sixth Legislature:

At the request of Judge J. C. Hunter, I am asking permission to withdraw his appointment as Chairman of the Highway Commission of the State of Texas.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of non-resident real estate dealers and salesmen and making certain requirements discretionary if non-resident is licensed under the laws of another State; making provision for requisition of information of applicant and vesting Real Estate Commission with power to make rules and regulations connected with application for a li-

cense; requiring issuance of license if certain conditions are satisfied and providing for issuance of temporary license under certain conditions and providing a pocket card for each licensee, prescribing its form and providing licensee shall maintain a definite place of business which may be his home and providing for display of dealer's and his salesman's license in dealer's place of business; providing that duplicate licenses shall be displayed in all branch offices and providing licensee can transact business from only one office unless notice given within ten (10) days of change of location; providing procedure for dealer and salesman to follow when salesman changes employer; providing that not more than one license can be issued to a salesman for the same period and providing for issuance of new license when salesman transfers and payment of transfer fee; providing for a hearing if applicant for a license is refused, providing for investigation of certain dealers and salesmen and giving Real Estate Commission power to revoke or refuse to renew license of any dealer or salesman guilty of certain acts and providing that revocation of license or refusal to renew shall not relieve person or company from civil or criminal liability; providing for hearing before license suspended or revoked, authorizing certain procedure and making provision for appeal to the courts; providing no action can be maintained in courts to collect commissions for performing certain acts unless one proves he is licensed dealer or salesman, conferring on the Real Estate Commission or one duly authorized, the authority to require by subpoena the attendance of witnesses, taking of depositions, and the production of books, accounts, records, papers and correspondence relative to matters which the Real Estate Commission may investigate and conferring upon Real Estate Commission and one duly authorized the authority to issue subpoenas, administer oaths and affirmations, examine witnesses and receive evidence, and providing for the aid of the courts if necessary, providing for punishment for contempt and providing for fees of witnesses, other fees, costs and expenses; providing for the time and method of appeal to the courts by person aggrieved under this Act and proper procedure after such appeal;

providing that certain fees are to be charged and collected by the Real Estate Commission; providing for expiration date of licenses granted; making provisions for the deposit of fees collected under terms of this Act; providing for the payment of salaries of employees and expenses of administration and for disbursement of funds collected under this Act; providing that certified copies of all instruments and documents filed in the office of the Real Estate Commission shall be admitted as evidence; providing that courts may require the production of original instruments and documents, and providing that in any proceedings based on the provisions of this Act, a certificate of the Real Estate Commission under the Seal of the State shall constitute prima facie evidence of compliance or non-compliance with the terms of this Act; making it unlawful to pay commission to one not licensed hereunder and providing salesman cannot accept compensation from one not licensed; providing that in the event any provision of this Act is declared void or unconstitutional that remaining provisions shall remain in full force and effect, and declaring an emergency."

H. B. No. 310, A bill to be entitled "An Act amending S. B. No. 170, Chapter 253, Acts of the Forty-second Legislature, Regular Session, pages 420-421, being Article 6203e of the Revised Civil Statutes of the State of Texas, providing for the establishment of the State Prison Psychopathic Hospital as a part of the Prison System of the State of Texas, and providing who may be committed thereto, and providing for the commitment to said institution of certain dangerous insane patients in the State Hospitals, providing a saving clause, and declaring an emergency."

H. C. R. No. 42, Authorizing Ennis Miller to sue the State.

Respectfully submitted.

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Message from the Governor

A Secretary of the Governor was announced by the Doorkeeper, and was recognized by the President to present the following message, which was read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 6, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Life Insurance Commissioner, (term beginning Feb. 10, 1939) Senator Walter Woodward of Coleman County, Coleman, Texas.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Motion to Take up Senate Bill 22

Senator Van Zandt moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 22 be considered by the Senate at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—22

Aikin	Metcalfe
Beck	Moffett
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Winfield
Martin	

Nays—3

Moore	Weinert
Roberts	

Absent

Hardin	Shivers
Head	Stone
	of Washington

Absent—Excused

Cotten	Spears
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Senate Bill No. 96 With House Amendments

Senator Winfield called S. B. No. 96 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were explained by Senator Winfield.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—27

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 17, to Committee on State Affairs.

H. B. No. 310, to Committee on Penitentiaries.

House Concurrent Resolution 42

The following resolution, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 42, Authorizing Ennis Miller to sue the State.

Senate Bill 78 on Second Reading

Senator Brownlee moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 78 be considered at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent

Hardin	Stone
Head	of Washington

Absent—Excused

Cotten	Spears
Shivers	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 78, A bill to be entitled "An Act to create a Soldiers' and Sailors' Home in the State of Texas, providing that said home shall be operated in conjunction with the Confederate Home at Austin, Texas, and placing the operation thereof under the supervision of the State Board of Control; providing that inmates may be discharged for admission procured by fraud or misrepresentation and determining eligibility for admission; providing for deposit of pensions or other compensation received from the United States Government with Superintendent and determining expenditure thereof, and providing that wife of ex-service man may be admitted to residence, and where wife of ex-service man is admitted, then such pension or compensation received shall be deposited with superintendent under rules and regulations promulgated by the State Board of Control for expenditure for her benefit, and providing further for the care and maintenance of inmates, and in the event of death of ex-service man, his widow may be transferred to Confederate Woman's Home at Austin, Texas, if she so desires or may remain in said Soldiers' and Sailors' Home, and providing that the Board of Control is authorized to receive donations in aid of such home, and that Superintendent of Confederate Home shall also act as Superintendent of Soldiers' and Sailors' Home, and pro-

viding that wherever practical ex-service men, their wives or dependents, shall be employed in the operation of said Home, and providing that Board of Control may negotiate with the Federal Government for aid and assistance in support thereof and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 78 by striking out all of Section 5 thereof, consisting of lines 30, 31 and 32 of the printed bill.

The amendment was adopted.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 78 by adding a new section to be known as Section 11a to read as follows:

"Nothing in this Act is intended or shall ever be intended to bind or obligate the State of Texas for any financial assistance in carrying out the provisions of this Act nor shall any appropriation ever be made out of the general fund or any special fund of this State for the support or maintenance of the Soldiers' and Sailors' Home as authorized herein. It being the intention of the Legislature to permit the use of said Home as provided for herein but not assuming any expense directly or indirectly of any kind or character in connection therewith.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 78 by adding a new section as follows:

Provided the Confederate Soldiers or their widows now in the Home or who shall occupy said Home hereafter shall never be discriminated against nor disturbed in any way.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 78 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Weinert
Lemens	Winfield
Martin	

Nays—1

Van Zandt

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 42,
"An Act to amend Article 554 of the Penal Code of the State of Texas, re-

lating loan limits of state banks and declaring an emergency."

S. B. No. 97,

"An Act amending Article 38883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of not less than 950 square miles and not exceeding a square area of 980 square miles, and declaring an emergency."

S. B. No. 128,

"An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legislature, and the amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 161,

"An Act exempting certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

Senate Bill 75 on Engrossment

Senator Nelson moved to call S. B. No. 75 from the table for further consideration at this time.

The motion prevailed.

The President laid before the Senate on its passage to engrossment (the bill having been read second time on March 1, 1939, and having been tabled subject to call at that time):

S. B. No. 75, A bill to be entitled "An Act to regulate Brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commis-

sion of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties; and declaring an emergency."

The bill was passed to engrossment.

Senate Bill 75 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Lemens	Winfield
Martin	

Nays—1

Metcalf

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19

Burns	Kelley
Collie	Lanning
Graves	Lemens
Hardin	Moffett
Hill	Moore
Isbell	Nelson

Pace	Sulak
Redditt	Van Zandt
Roberts	Winfield
Stone	
of Galveston	

Nays—5

Aikin	Metcalf
Brownlee	Weinert
Martin	

Absent

Beck	Small
Head	

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

Senate Bill 206 on Second Reading

Senator Kelley moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 206 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Head

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 206, A bill to be entitled "An Act to simplify proceedings in delinquent tax suits; providing for a simplified form of petition; providing that such petition need not

be verified; providing for a simplified form of citation; and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendments to the bill:

(1)

Amend the bill by striking out all after the enacting clause and substituting the following:

Section 1. Hereafter in suits brought to collect delinquent taxes on real property, it shall be sufficient if the petition contains substantially the following allegations:

"The State of Texas, hereinafter called plaintiff, brings this suit in behalf of itself, County, and for the use and benefit of all political subdivisions whose taxes are collected by the Assessor and Collector of Taxes for said county.

The defendants are and, who reside in County,, and who own or claim some interest in the hereinafter described real property, which is situated in said County (or political subdivision).

That there are delinquent taxes justly due, owing and unpaid against the property described as follows, to-wit:

for the following years and in the amounts. to-wit:

Years	Amounts
together with penalties, interest and costs provided by law or legally accruing thereon in the total amount of \$....., and that all said taxes were duly and legally levied and assessed against said real property, and that plaintiff now has and asserts a lien on said real property described and mentioned above to secure the payment of all taxes, penalties, interest and costs; and that all things required by law to be done have been performed by the proper officials."	

Sec. 2. Such form of petition, insofar as applicable, may be used in suits for the collection of delinquent taxes on personal property, and in any such suit, it shall be sufficient to describe such personal property in such general terms as money, notes, bonds, stocks, credits, stock of goods, wares, merchandise, fixtures, tools, machinery, equipment, automobiles, household and kitchen furniture and

fixtures, beds, dressers, rugs, stoves, heaters, refrigerators, tables, pianos, radios, pictures, trunks, linens, kitchen utensils, dishes, silverware, jewelry, or any other appropriate general description, and no other or more particular description or designation shall be required as a prerequisite to the foreclosure of the tax lien upon personal property so described.

Sec. 3. The prayer to any such petition having for its purpose the collection of taxes on both real and personal property shall be sufficient if it contains the following, and if for the collection of either real or personal property taxes without the other, it may be changed so as to make it applicable to the class of property involved, viz:

Whereof plaintiff prays judgment against defendant for the total amount of said taxes, together with all penalties, interest, costs and other charges or expenses that may be or become legally due and owing, together with foreclosure of the tax lien against the above described real estate securing the amount against said real estate, and for foreclosure of the lien against said personal property in satisfaction of the amount shown to be due on it.

Sec. 4. It shall not be necessary that such petition be verified.

Sec. 5. Hereafter in all suits for delinquent taxes, it shall be sufficient if the citation be substantially in the following form with proper changes to make it applicable to both real and personal property or to real or personal only according to the character of taxes sued for, to-wit:

"The State of Texas: To the Sheriff or any Constable of County, Greeting:

You are hereby commanded to summon (by making publication, or by personal service in the manner provided by law); to appear at the next regular term of the District Court of County, Texas, to be held at the Courthouse thereof in the city of on the Monday after the Monday in, A. D. 19...., then and there to answer a petition in a delinquent tax suit filed by the State of Texas in said Court on the day of, 19...., in a suit numbered on the docket of said Court, wherein the State of Texas is plaintiff and, and are defendants. Said suit is a suit to

collect taxes on the following described real estate (and/or personal property), for the years and in the amounts as follows:

Years	Amounts
Together with penalties, interest, costs and expenses which have accrued, or which may legally accrue, thereon.	

(In the event any other taxing unit has intervened at the time such citation is issued, said citation shall also give notice thereof and it will be sufficient, if it contains the following information, to-wit:

..... District filed its Petition in Intervention in said cause on the day of, 19...., to enforce payment of delinquent taxes for the years and in the amounts as follows:

Years	Amounts
together with penalties, interest, charges and expenses which have accrued or which may legally accrue thereon	

Plaintiff and/or intervenors also seek the establishment and foreclosure of the lien securing payment of such taxes as provided by law.

Herein fail not, but have you before said Court, on the first day of the next term thereof, this writ, with your return thereon showing you have executed the same.

Witness my hand and official seal at my office in, Texas, this day of, A. D. 19.....

.....
Clerk, District Court
..... County, Texas."

Sec. 6. All of the provisions of this act simplifying the collection of delinquent State and county taxes, are hereby made available for, and when invoked shall be applied to, the collection of delinquent taxes of all municipal corporations and political subdivisions of this State or any county thereof, authorized to levy and collect taxes.

Sec. 7. The provisions of this act shall be cumulative of and in addition to all other rights and remedies for the collection of delinquent taxes to which taxing units are now entitled; but if any part or portion of this act be in conflict with any part or portion of any law of this State, the terms and provisions of the act shall govern, and to the extent of such conflict, such other laws shall be repealed.

Sec. 8. The fact that there are large amounts of taxes now delinquent in this State, and that the laws governing the collection of such taxes are inadequate, cumbersome and expensive creates an emergency and an imperative public necessity demanding that the Constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend S. B. No. 206 by substituting the following for the caption of the bill as originally submitted:

A bill to be entitled "An Act to simplify proceedings in delinquent tax suits; providing for a simplified form of petition in suits for the collection of delinquent taxes on both real and personal property, and providing for a simplified description of both real and personal property sought to be foreclosed upon; providing that such petition need not be verified; providing for a simplified form of citation; providing that the provisions of this Act shall be cumulative of and in addition to all other rights and remedies to which taxing units are now entitled, but repealing all laws in conflict herewith; and declaring an emergency."

The amendments were adopted.

The bill was passed to engrossment.

Senate Bill 206 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 206 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Graves	Metcalfe
Hardin	Moffett
Head	Moore
Hill	Nelson

Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Small	Winfield
Stone	
of Galveston	

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Graves	Nelson
Hardin	Pace
Head	Redditt
Hill	Roberts
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Nays—2

Aikin	Weinert
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Absent

Collie	Small
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Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

Motion to Consider Senate Bill 162

Senator Metcalfe moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 162 be considered at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the membership of the Senate):

Yeas—23

Aikin	Hardin
Beck	Head
Brownlee	Isbell
Collie	Kelley
Graves	Lanning

Lemens	Roberts
Martin	Small
Metcalf	Stone
Moffett	of Galveston
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield

Nays—4

Burns	Nelson
Hill	Sulak

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

Senate Bill 224 on Second Reading

Senator Weinert moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 224 be considered at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Graves	Roberts
Hardin	Small
Head	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Present—Not Voting

Hill

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 224, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939 all the State, ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political

subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to rail road companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and the Assessor and Collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said Assessor and Collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Senator Weinert moved that the bill be tabled subject to call.

Senator Hill moved as substitute that the bill be passed to engrossment.

Senator Moore raised a point of order against consideration of the motion of Senator Hill on the ground it is not a proper substitute for the motion to table subject to call.

The President sustained the point of order.

Senator Hill addressed the Senate in opposition to the motion to table subject to call.

Pending the remarks of Senator Hill, Senator Moore raised the point of order that the motion to table subject to call is not debatable and that Senator Hill may not speak further at this time.

Senators Van Zandt and Moore demanded an immediate ruling on the point of order, and the demand was duly seconded.

The Senate ordered the point of order decided immediately by the following vote:

Yeas—18

Beck	Pace
Brownlee	Redditt
Collie	Roberts
Hardin	Small
Head	Stone
Kelley	of Galveston
Lanning	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Nays—8

Aikin	Isbell
Burns	Lemens
Graves	Metcalf
Hill	Sulak

Absent

Nelson

Absent—Excused

Cotten	Stone
Shivers	of Washington
Spears	

The President sustained the point of order.

Question recurring on the motion to table subject to call, it prevailed.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Graves:

S. B. No. 293, A bill to be entitled "An Act authorizing the State Highway Commission to issue a third number plate, tag, sticker, or device, to certain motor vehicles, and authorizing the Commission to make rules and regulations governing the manner, time, and location that such plates, tags, stickers, or devices, be attached to such vehicles; providing for the purchase of same out of the funds of the State Highway Department, and the distribution of same by the tax assessor and collector and/or tax collectors of the various counties; providing the violation of such rules and regulations be a misdemeanor, and providing the penalty therefor; repealing all laws or parts of laws in conflict herewith, and declaring an

emergency and providing the Act shall take effect from and after its passage."

Referred to Committee on Highways and Motor Traffic.

Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, it prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-FIRST DAY

(Tuesday, March 7, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Lanning and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Beck submitted the following report of the Committee on Commerce and Manufactures:

Austin, Texas,
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 40, A bill to be entitled "An Act to protect trade mark owners, the distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade, defining certain terms and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Senator Nelson submitted the following report of the Committee on Judicial Districts:

Austin, Texas,
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 341, A bill to be entitled "An Act fixing the time of holding court in the several counties constituting the Fifty-first Judicial District of Texas, and fixing the time of holding Court in the several counties constituting the One Hundred and Nineteenth Judicial District of Texas; fixing the effective date of this Act; repealing all laws in conflict herewith; providing that nothing herein shall be construed as affecting the time of holding court in the several counties of said Judicial Districts between the date of the passage of this Act and the date it shall become effective; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Senator Metcalfe submitted the following report of the Committee on Counties and County Boundaries: